

REMARKS/ARGUMENTS

The applicant would like to thank the Examiner for the courtesy extended to his representative, Thomas Langer during their personal interview of October 25, 2004. The pending Office Action was discussed, and it was suggested that the claims be amended to reflect the structure of Figure 1.

Claims 1-63 are pending herein, claims 1, 11, 21, 33, 43 and 54 being independent. By the amendment above, claims 1-63 have been amended. It is believed that the amendments to claims 2-10, 12-20, 22-32, 34-42, 44-53 and 55-63 are cosmetic only. New claims 64-66 have been added. No new matter has been added. A check in the amount \$27.00 is enclosed in payment for the addition of 3 new claims.

In the pending Office Action, the Examiner rejected claims 1-63 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; claim 1 under 35 U.S.C. § 103(a) as allegedly obvious over Gould, "Do Buy!" Travel Agent, v. 294, n. 4, p. 88 (Gould) in view of Korea Times "'Duty-Free' Marketing War Flares up at Airport", 3/16/99 (Korea Times); claims 1-5, 7-15, 17-27 and 29-63 under 35 U.S.C. § 103(a) as allegedly obvious over United States Patent No. 5,732,398 (Tagawa) in view of Business Wire "Air France Corrects and Replaces Previous Announcement", 1/23/96 ("Business Wire") further in view of Korea Times; and claims 6, 16 and 28 under 35 U.S.C. § 103(a) as allegedly obvious over Tagawa, in view of Business Wire further in view of Korea Times and further in view of Ong-Yeoh "Golden Boutique Set to Boost MAS Revenue" Business Times (Malaysia), 8/26/95 ("Ong-Yeoh").

The applicant has carefully considered the Examiner's stated rejections, and the arguments provided in support thereof, and respectfully disagrees with the Examiner's conclusions. It is

submitted that the invention as claimed presents statutory subject matter, and is not obvious in light of the references applied by the Examiner.

The invention is directed to a method (claims 1-42 and 64-66) and a system (claims 43-63) for selling an international travel ticket in combination with duty-free items for a single price, which is lower than the cost of the ticket if purchased alone (claims 1-11 and 64-66), lower than the cost of the duty-free item(s) if purchased alone (claims 12-20) or lower than the combined price of the ticket and duty free item(s) if they were to be purchased separately from independent vendors (claims 21-63), thereby promoting the sale of both items. The cross-selling of these two products (a specific international travel ticket and specific duty free item(s)) from a single source as claimed is nowhere shown in the prior art applied by the Examiner.

Gould discloses that Dubai is a duty free zone, in which people may shop. Gould also discloses that one travel agency, Africa Travel, offers a travel package including airfare from New York and lodging in Dubai. Gould, however, does not disclose selling a specific duty free item in combination with a specific international travel ticket. Gould simply states the obvious, that if one travels to Dubai, a tax free zone, one may shop tax free.

Korea Times discloses that the Kimpo airport in Seoul, South Korea, has duty free shops, as does every international airport. One merchant, Lotte, who won the contract to operate the duty free shops at Kimpo, also operates a hotel, Hotel Lotte World. In celebration of being awarded the contract, Lotte hosted a variety of promotional events, such as giving out tickets for travel to Tokyo. Lotte also offered discount coupons for use at its duty-free shops upon the purchase of goods at its hotels. Notably, even though Lotte offered international travel tickets (the free flight to Tokyo) and discount coupons for duty free shopping which are of use only at its shops at Kimpo, it never tied these two aspects of sales together. Thus, one of ordinary skill in the art of travel promotion would

not recognize tying together the two elements of the invention: sales of specific international travel tickets combined with the sale of specific duty-free items. In fact, he would be led away from making the combination based on this reference, since the two elements are broadly disclosed, but are not brought together in the manner recited in the pending claims.

Tagawa teaches a kiosk (*see*, Fig. 1) used for selling various travel-related services or products, including airline tickets and duty-free items. These purchases, however, are separate, in that they are secured independently from different vendors, and not from a single source as in the claimed invention. For example, col. 18, lines 22-24 of Tagawa, specifically provides that the patented kiosk connects the user “directly to the vendor”. This is directly contrary to the teachings of the claimed invention wherein the user makes a single purchase of both international travel tickets and duty-free merchandise from a single source.

Business Wire discloses that Air France offered a promotion of its airfares from San Francisco to Paris by providing a discount voucher at duty-free shops as an incentive to purchase Air France tickets. However, there is no direct link to a specific duty-free item. It is well-known in the art that a large proportion of discount vouchers (coupons) are never redeemed, either through laziness, oversight or lack of time, rendering the value of the coupon suspect. Traditionally, vouchers themselves have no cash value, and only have value if used. Moreover, redemption of the vouchers occurs only at the duty free shops, which adds inconvenience to the consumer. There is no linking of the sale of an actual travel ticket with an actual duty-free item from a single source such as in the claimed invention. Although Air France offers specific items (“gifts”) at *non-duty free shops* as part of the very same promotion, only *vouchers* are provided for the duty-free shops, thereby leading one of ordinary skill in the art away from linking the purchase of specific international travel tickets with specific duty-free items, as claimed.

Ong-Yeoh teaches that both airline tickets and duty-free items may be purchased in advance and picked up at an airport, but does not teach that the two are to be sold together, thereby also leading one of ordinary skill in the art away from a sales package of a specific international travel ticket and a specific duty-free item.

In sum, even though the cited references generally teach the sales of international travel tickets and the sales of duty-free items, and the benefit of offering inducements to purchase either of them, there is still no teaching of combining the two as claimed herein. Thus, the references applied by the Examiner, in any combination, fail to teach or suggest the features of the claimed invention, namely the linking of sales of a specific international travel ticket with sales of specific duty free items at a combined price which is lower than the sum of the prices for the ticket and duty free items if they were purchased from separate vendors. It therefore would not be obvious to one of ordinary skill in the art to combine these two features. If the combination were as obvious to one of ordinary skill in the art as the Examiner suggests in the pending Office Action, there would be some suggestion of combining these two features in one of the references. No reference, however, suggests this combination.

It is therefore respectfully submitted that the claims are not obvious in light of the applied references, which, in fact, based on the totality of their teachings, would lead one of ordinary skill in the art *away* from making the combination claimed herein.

With respect to the rejection under 35 U.S.C. § 101, applicant respectfully traverses the rejection. The Examiner takes the position that the claims “do not include implemented technology, such as instructions executed by a computer” (Office Action, p. 4). It is respectfully pointed out that (independent) claim 33 as filed claims “a method of using a computer”, and (independent) system claims 43 and 54 each refer to structure including a computer and therefore specifically recite the

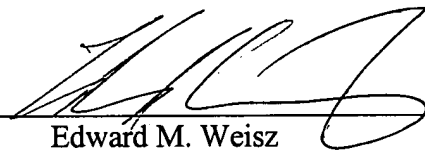
implementation of technology. Withdrawal of the rejection as to those claims (and all claims dependent therefrom) is believed appropriate. In addition, independent claims 1, 11 and 23 have been amended to recite the implementation of a computer in the performance of the claimed method, and so the withdrawal of the rejection as to those claims as amended is also respectfully requested.

Accordingly, there being no further grounds for objection or rejection, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is therefore respectfully solicited.

It is believed that no further fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Edward M. Weisz
Reg. No. 37,257
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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